

**REMARKS/ARGUMENTS**

The present remarks are in response to the Office Action mailed October 05, 2004, in which claims 1-18 were rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the above amendments, are believed to render all claims at issue patentable over the cited references.

Claim 1, 8, 11-13 and 15 have been amended herein. No claim is added. Accordingly, claims 1-18 remain pending.

Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

**CLAIM REJECTION - 35 U.S.C. § 102**

With respect to Paragraph 2 of the Office Action, the examiner rejected Claims 1-3, 6-9, and 13-18 under 35 U.S.C 102(b) as being anticipated by Uglow (US 6,251,770).

This rejection is respectfully traversed on the basis that Uglow does not disclose **forming a first portion** of the second dielectric, wherein " **a first portion on said first dielectric layer** and a second portion ... and said first portion comprises carbon. " as claimed in claim 1 and claim 8. It says the first portion of the second dielectric is **formed with carbon on the second dielectric**. However, in the Uglow arrangement, the bottom portion of the dielectric layer 204 has no carbon. --*In general, substantially **no carbon is provided** at a point 230 **when the deposition begins***--, in Col 7, Line 3-5. And --*As shown, initially the carbon content will be substantially zero and the dielectric material will be generally all inorganic **SiO2***--, in Col 7, Line 19-21. By comparison of forming the first portion with carbon on the second dielectric and forming the initial portion with no carbon on the second dielectric, Uglow does not disclose a first portion as in claim 1.

Similarly, the rejection is respectfully traversed on the basis that Uglow does not disclose **a first portion** of the second dielectric, wherein " **a first portion on said first dielectric layer** and a second portion ... and said first portion comprises carbon. " as claimed in claim 15. It says the first portion of the second dielectric comprises **carbon on the second dielectric**. However, in the Uglow arrangement, the bottom portion of the dielectric layer 204 has no carbon. --*In general, substantially **no carbon is provided** at a point 230 **when the deposition begins.***--, in Col 7, Line 3-5. And --*As shown, initially the carbon content will be substantially zero and the dielectric material will be generally all inorganic **SiO2.***--, in Col 7, Line 19-21. As a result, Uglow does not disclose the first portion of the second dielectric as in claim 1.

Moreover, the rejection is respectfully traversed on the basis that Uglow provides a no-carbon layer, such as SiO<sub>2</sub>. Technicians in the art know that the SiO<sub>2</sub> cannot improve the adhesion between the dielectric layers. As is known, the SiO<sub>2</sub> harms the adhesion and delamination occurs.

Claims 2, 3, 6, and 7 are dependent from amended claim 1, and claims 8, 9, 13, and 14 are dependent from amended claim 8, and claim 16, 17, and 18 are dependent from claim 15 directly or indirectly. Since amended claims 1, 8 and 15 are patentably distinguished over Uglow, dependent claims 2, 3, 6, 7, 8, 9, 13, 14, 16, 17 and 18 should also be patentably distinguished over Uglow.

Applicant respectfully requests that the rejection under 35 U.S.C. Section 102(b) be reconsidered and withdrawn in view of the amendments to the Claims.

#### **CLAIM REJECTION - 35 U.S.C. § 103**

With respect to Paragraph 4 of the Office Action, the Examiner rejected Claims 4-5 and 10-12 under 35 U.S.C 103 as being unpatentable over Uglow et al. as above in view of Lee et al (US 6,663,973 B1).

In view of the foregoing, since amended claims 1, 8 and claim 15 are patentably distinguished over Uglow, dependent claims 4-5 and 10-12 should be also patentably distinguished over Uglow. Moreover Lee (US 6,663,973 B1) does not disclose "in-situ". Claims 4-5 and 10-12 are patentable.

Applicant respectfully requests that the rejection under 35 U.S.C. Section 103(a) be reconsidered and withdrawn in view of the amendments to the Claims.

### **CLAIM REJECTIONS - 35 U.S.C. § 112**

With respect to Paragraphs 6 and 7 of the Office Action, claim 12 is rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 12 has been amended. The amended claim describes the disclosure sufficiently.

Applicant respectfully submits that the Examiner's rejection and rejection to the Claim is now overcome and should be reconsidered and withdrawn.

### **CONCLUSION**

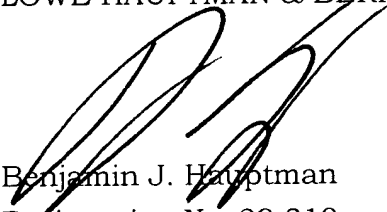
In light of the above amendments and remarks, Applicant respectfully submits that all pending Claims 1 through 18 as currently presented are in condition for allowance. Accordingly, reconsideration is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to

Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

A handwritten signature in black ink, appearing to read 'B. Hauptman', is written over the printed name.

Benjamin J. Hauptman  
Registration No. 29,310

1700 Diagonal Road, Suite 300

Alexandria, Virginia 22314

Telephone: (703) 684-1111

Facsimile: (703) 518-5499

Date: **January 5, 2005**